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MYERS BIGEL SIBLEY & SAJOVEC  
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MAR 26 2007

**OFFICE OF PETITIONS**

In re Application of  
Richard A. Samsel :  
Application No. 10/765,404 : DECISION ON  
Filed: January 26, 2004 : PETITION  
Attorney Docket No. 5031-198CT :

This is in response to the paper titled "PETITION UNDER 37 C.F.R. 1.137(b)", filed January 8, 2007, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in light of petitioner's statement that the abandonment was due to USPTO error and that no fee is necessary.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." There is no fee for the renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed May 16, 2006. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on August 17, 2006. A Notice of Abandonment was mailed on December 14, 2006.

Petitioner states that he did timely file a reply to the Office action. In support thereof, petitioner has included a copy of a USPTO date stamped, postcard receipt, dated August 18, 2006, and itemizing an Amendment and a check in the amount of \$200.<sup>1</sup> In addition, petitioner has supplied a copy of the amendment allegedly filed on that date, bearing a timely Certificate of Mailing dated August 15, 2006.

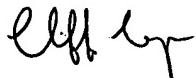
However, the Amendment supplied by petitioner does not bear a signature of the attorney, James R. Cannon. Pursuant to 37 CFR 1.4(d), each piece of correspondence must bear a signature.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

By FAX: (703) 872-9306  
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petition

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<sup>1</sup> Petitioner has not supplied any evidence that the check was cashed by the USPTO.